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DE RUEHKL #1060 3390855  
ZNR UUUUU ZZH  
P 040855Z DEC 08  
FM AMEMBASSY KUALA LUMPUR  
TO RUEHC/SECSTATE WASHDC PRIORITY 2074  
INFO RUCNASE/ASEAN MEMBER COLLECTIVE

UNCLAS KUALA LUMPUR 001060

SENSITIVE  
SIPDIS

FOR EAP/MTS, DRL, AND G/TIP

E.O. 12958: N/A

TAGS: [PHUM](#) [KWMN](#) [KCRM](#) [KTIP](#) [ID](#) [MY](#)

SUBJECT: MAID'S ABUSER FOUND GUILTY, SENTENCED TO 18 YEARS

¶1. (U) In Malaysia's highest profile domestic worker abuse case, a Kuala Lumpur sessions court judge on November 27 found Yim Pek Ha guilty of three charges of "causing grievous hurt" to Indonesian maid Nirmala Bonet, a 2008 U.S. TIP Report Hero. Nirmala suffered horrendous physical abuse, including significant burns from an iron, in 2004. The court case began in July 2004 and involved 100 court sessions over 52 months. The judge acquitted Yim of a fourth charge of "causing hurt" by striking Nirmala with a metal cup. The judge sentenced Yim to 18 years for each charge, to be served concurrently. In his remarks, the judge said the offences committed by Yim showed "sadistic behavior which cannot be tolerated by society." The judge stated that Yim "deserved" to serve the sentences consecutively, but in the end, he deemed a 54-year sentence too harsh. Following her sentencing, the judge raised Yim's bail to \$55,555 (200,000 ringgit), from the original bail of \$23,615 (85,000 ringgit). Yim remains free on bail pending appeal.

¶2. (SBU) Eka Aryanto, spokesman for the Indonesian Embassy, told Poloff his embassy was pleased with the sentence, which hopefully would serve as a deterrent to future abuse of Indonesians employed as domestic help. Eka also informed us Nirmala is considering a civil suit to seek compensation from Yim and her husband. Local media reported human rights activists' reactions to the verdict. Siva Subramaniam, a commissioner for Malaysia's Human Rights Commission, described the Nirmala case as "the tip of an iceberg." He hoped "irresponsible employers who take advantage of domestic help" would learn from the case. Irene Fernandez, director of the NGO Tenaganita, called the 18 year sentence fair. Ivy Josiah, executive director of Women's Aid Organization said, "this (conviction) will be a clear message to all who treat their employees badly."

¶3. (SBU) Comment: Nirmala's case, particularly the severity of the physical abuse she endured, attracted international attention. Yim's guilty verdict and the local press coverage of this outcome represent a modest step forward in Malaysia's efforts to deter the abuse of foreign workers, but much remains to be done. Cases like Nirmala's must overcome the inertia of a legal system and a public still largely insensitive to the exploitation of poorly educated, low-wage migrant workers.

KEITH